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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

IGOR ERIC KUVYKIN,

Case No. 18-10760 (JLG)

Debtor.

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**DECLARATION OF JOSH NICHOLS CONCERNING DEBTOR'S
DEFAULT UNDER DECISION AND ORDER GRANTING WB KIRBY
HILL, LLC'S MOTION FOR IMMEDIATE PAYMENT OF
ADMINISTRATIVE EXPENSE**

I, **JOSH NICHOLS**, hereby declare the truth of the following under the penalties
of perjury:

1. I am a principal of TRJ Acq Gen Par LLC, the general partner of TRJ SH
Manager, L.P., the manager of WB Kirby Hill, LLC ("**WB Kirby**"), and as such, I am fully
familiar with the facts and circumstances hereinafter set forth.

2. I submit this Declaration based upon my personal knowledge of the facts
and circumstances set forth herein.

3. On August 31, 2018, this Court entered the *Memorandum Decision and Order Granting WB Kirby Hill, LLC's Motion for Immediate Payment of Administrative Expenses* [ECF No. 70] (the "**Order**").

4. The Order awarded WB Kirby an administrative expense claim on account of Igor Eric Kuvykin's (the "**Debtor**") unjust enrichment occasioned by his continued post-petition use and occupancy of real property commonly known as 11 Mansion Drive, Muttontown, New York 11791 (the "**Property**") in the amount of \$22,500.00 per month, commencing on March 20, 2018, and pro-rated on a daily basis until the Debtor delivers possession (free of all tenancies) of the Property to WB Kirby.

5. The Order directed the Debtor to pay WB Kirby an amount equal to the accrued, but unpaid administrative expense claim through August 31, 2018 within three business days of the entry of the Order. The Order further directed the Debtor to pay the administrative expense claim on a monthly basis, in advance, with payment due on or before the seventh day of each month (or first business day thereafter).

6. Pursuant to the Order, the administrative expense claim from March 20, 2018 through and including August 31, 2018 is \$120,483.87 and was due to be paid to WB Kirby by September 6, 2018.

7. The administrative expense claim for September 2018 is \$22,500.00 and was due by September 7, 2018.

8. Pursuant to the Order, as of the date hereof, WB Kirby is owed \$142,983.87 in the aggregate on account of the Debtor's use and occupancy of the Property.

9. As of the date hereof, WB Kirby has not received any payment from the Debtor or otherwise on account of its administrative expense claim.

10. As of the date hereof, the Debtor has not delivered possession of the Property to WB Kirby.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of United States of America that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Dated: Dallas, Texas
September 10, 2018

/s/ Josh Nichols

JOSH NICHOLS